IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6073 of 2005

Between:

B. Moula Saheb, S/o. B. Patcha Saheb,
Kothacheruvu, Near Darga,

Kotha Chervuu Mandal, Anantapru District.

..... PETITIONER

AND

1 The A.P.S.R.T.C. Rep by its Managing Director

and Vice Chairman Musheerabad, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C.

Hindupur Depot, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings No. 01/419(07)/2001-HDP dated 20-1-2004 of the 2nd respondent is illegal, arbitrary, unjustified, unsustainable, contrary to law and violation of Article 14, 16, 21of the Constitution of Indian and set-a-side the same and consequently direct the respondents not to recover the amount of Rs. 12,671/- from the petitioner salary and iif any amount already recovered from the salary, the same shall be refunded to the petitioner and to pass such other and further order or orders.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings No.01/419(07)/2001-HDP, dated 20.01.2004, issued by the 2nd respondent, as arbitrary and illegal.

In the impugned proceedings, an amount of Rs.12,671/- was sought to be recovered from the salary of the petitioner in 25 equal instalments, from February, 2004 onwards. It seems there was loss of tickets from the tray No.964 of booking reservation counter, which was received from one M.P.R.Chari, Conductor, on 14.10.2001 after completion of his duty. After calling for the explanation of the petitioner, a detailed enquiry was conducted into the matter. After enquiry, the disciplinary authority came to the conclusion that the charges levelled against the petitioner were proved, and as such, the penalty of recovery of an amount of Rs.12,671/- towards loss of tickets was imposed on the petitioner.

According to the petitioner, as per Clause-40.07 of Operation Manual of APSRTC, the face value of the tickets lost is not liable to be recovered from the persons responsible, but only the cost of the paper and printing charges of such tickets are liable to be recovered. Whereas, in this case erroneously the respondents sought to recover from the petitioner the face value of the tickets lost, amounting Rs.12,671/- in 25 instalments, which is arbitrary and illegal.

Thus, the only question that falls for consideration is that whenever an employee is found responsible for the loss of tickets, whether he is liable for the face value of the tickets, or the cost of the paper and printing charges of such tickets. This issue is no more *res integra*.

In ***Ch.P.Reddy vs. APSRTC,*** this Court held that as per the regulations, the loss sustained by the Corporation can be recovered from the Conductor, but should not impose any penalty. The Corporation is entitled to recover only the cost of printing of the tickets, the tray and other articles, but not the value of the tickets found lost. In view of the same, the impugned proceedings are liable to be set aside, leaving it open to the respondents to recover from the petitioner the cost of the paper and printing charges of the tickets and other articles, if any, lost from the tray in question.

The Writ Petition is allowed to the extent indicated above.

Dated: 23.03.2005

Dsr

ASSISTANT REGISTTRAR

To:

1. The Managing Director, APSRTC,

Musheerabad, Hyderabad

2. The Depot Manager, APSRTC,

Hindupur Depot, Anantapur District

3. Two CD copies.

*Form-NIC-OGS/WP{**RLD**}*